

EXHIBIT A

NOTICE OF REMOVAL,

EXHIBIT A: Complaint



ELECTRONICALLY FILED
12/15/2021 11:18 AM
71-CV-2021-900130.00
CIRCUIT COURT OF
COFFEE COUNTY, ALABAMA
AMY L. REEVES, CLERK

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Southeast District of Alabama

Division

Caleb Anderson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Pathway
Renee Feyre
Herman Daniels

-v-

Alfredo Herrera
George Thurston-Dice
Justin Knutson

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes

No



COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Caleb Anderson

Street Address

110 Owens St.

City and County

Enterprise, Coffee

State and Zip Code

Alabama 36330

Telephone Number

(334) 406-5170

E-mail Address

heavensclosetstore@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Pathway, Inc.
530 County RD 143 Ardon, PO Box 311206
Ardon, Coffee
Alabama 36311
(334) 894-5405 / (334) 894-6322
admissions@pathway-inc.com

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Renee Peyregne
Human Resource Director
530 County RD 143 Ardon, PO Box 311206
Ardon, Coffee
Alabama, 36311
(334) 894-5591 / (334) 894-5405 / 894-6322
rpeyregne@pathway-inc.com

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Herman Daniels
Campus 2 Director
530 County RD 143 Ardon, P.O. Box 311206
Ardon, Coffee
Alabama, 36311
(334) 447-4000 / (334) 894-5405 / 6322

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Alfredo Herrera
Overnight Supervisor
530 County RD 143 Ardon, P.O. Box 311206
Ardon, Coffee
Alabama, 36311
(334) 400-6612 / (334) 894-5405 / 6322

Continued Listed Defendants

Defendant No.5

Name: George Thurston-Diaz

Job or Title (if known): Senior Group Leader

Street Address: 530 County RD 143 Ariton, P.O. Box 311206

City and County: Ariton, Coffee

State and Zip Code: Alabama 36311

Telephone Number: (334) 894-6322

Email Address:

Defendant No.6

Name: Justin Knutson

Job or Title (if known): Supervisor

Street Address: 530 County RD 143 Ariton, P.O. Box 311206

City and County: Ariton, Coffee

State and Zip Code: Alabama 36311

Telephone Number: (334) 894-6322

Email Address:

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Pathway

Street Address

530 County RD 143 Arizon

City and County

Arizon, Coffee

State and Zip Code

Alabama 36311

Telephone Number

(334) 894-6322

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (specify the federal law):

Fraud, Abuse



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation.
☒ Other acts (specify): Creating hostile environment, Defamation, Fraud
 (Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s) ^{LA}

Feb 14, 2020 - August 2020 - Feb 17, 2021 - April 08, 2021 - June 8, 2021 - July 03, 2021 - Aug 05, 2021
June 25th 2021, August 05, 2021

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☒ race _____
☐ color _____
☐ gender/sex _____
☒ religion _____
☒ national origin _____
☐ age (year of birth) _____ (only when asserting a claim of age discrimination.)
☐ disability or perceived disability (specify disability) _____

E. The facts of my case are as follows. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

03-25-2021

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) 11-15-2021

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Enclosure with EEOC
Form 161 (11/2020)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Caleb Anderson**
110 OWENS ST
Enterprise, AL 36330

From: **Birmingham District Office**
Ridge Park Place
1130 22nd Street South
Birmingham, AL 35205

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

420-2021-01462

WESLEY BERTA,
Investigator

(205) 651-7058**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**
☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

MICHAEL COCHRAN

Digitally signed by MICHAEL COCHRAN
 Date: 2021.10.27 11:16:29 -05'00'

Enclosures(s)

For BRADLEY A. ANDERSON,
District Director

(Date Issued)

cc:

Renee Payregne
HR Director
PATHWAY INC.
P.O. Box 311206
Enterprise, AL 36331

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-13-2021

Signature of Plaintiff

Printed Name of Plaintiff

Caleb Anderson
Caleb Anderson

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Statement of claim including facts of case as follows

III : I Caleb Anderson was hired by pathway February 14th only on basis of accepting race as black. I was hired as group leader For overnight shift on campus 2. My shift was from 6 PM to 6 AM 4 days on 3 days off.

- Around August of 2020 I begin to notice illegal practices which could be the main part of the hostile environment I began to experience and bring to my supervisor's attention Alfredo. I was told by this supervisor himself that he does not like me.
- On February 17th 2021 I was told by is told by my overnight supervisor told me that no one wants to work with me because they believe they would lose their job believing I'm a snitch.
- For 8 months I worked alone in a environment that required 2 staff During this time throughout the dorms children were being molested and my desire to resign grew strongly.

- On April 8th During a recorded phone conversation I spoke to Herman Daniel campus director giving him information of a staff that was choking a kid And I was told that I was talking myself out of a job. During the conversation this kid was being assaulted.
- On June 8th 2021 I overheard a conversation before walking inside of a dorm between 2 staff, A supervisor Justin Knutson asked George Thurston-Diaz if he would like him to get rid of me George replied to Justin that he would give him his whole paycheck to get rid of me and make me disappear.
- On June 25th 2021 I was suspended for work for reporting harassment I was suspended by Adrian Patterson campus coordinator.
- June 8th Senior group leader supervisor George asked me to falsify a document which is part of the practice I believed that against my religious beliefs. After standing up for my belief I was treated unfairly because I did not falsify the document as we were doing before. After speaking to one supervisor about the illegal documenting I was told yes we could face a \$10000 fine And imprisonment.
- June 25th 2021 Supervisor Alfredo wrote a letter to HR Renee stating that I threatened his staff.
- After filing charges with EEOC complaining of child abuse And hostile environment from illegal practices I was suspended June 25th and Terminated August 7th.

I reported to Renee human resource director how the children were molesting each other and staff allowing children to perform sexual favors for each other In the return of gifts. After complaining to the human resource director how staff were assaulting children and bragging about it I was told that I should not be concerned about the children and need to get along with the staff and she does not of my God's concerns towards the harassmment and abuse. At this point Sharing the information of children being punched in the ribs while their arms are being held back, molestation etc. again I was told not to be my concern.

RELIEF SOUGHT

Relief sought from court.

10,000 per false documentation.

52 weeks x 3 days a week = 156 work days

5 charts a day = 780

780 counts of false documentation X 10,000 = \$7,800,000

- Plus pain and suffering in the amount of \$50,000 treble damages due to mental anguish, conspiracy and soliciation, hostile work environment, retaliation to whistle blowing, defamation on 5 counts and discrimination of my religious beliefs, race and ethnicity and retaliation of my complaint in violation of Title 7 of Civil Rights Acts 1964.

- Plus 5 year plan

5 years x 52 weeks = 260

260 weeks x \$350 = \$91,000 treble damages

Total = 8,223,000.00

6-21

Mr. Justin

Kenney was escorted to D-Team porch
Till he was calm then he came into D-Team
and sat in a chair beside Mr. Thurston then
after he was calm Mr. Thurston returned
Kenney Back to H Team safely.